

REMARKS

In the July 26, 2005, Office Action, the Examiner noted that claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31, and 33-39 were pending in the application; rejected to claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31, and 33-38 under the second paragraph of 35 USC § 112; rejected claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31 and 33-38 under 35 USC § 103(a); and rejected claim 39 under 35 U.S.C. § 102(e). In rejecting the claims, U.S. Patents 6,381,583 to Kenney (Reference A in the January 26, 2005, Office Action) and 6,014,638 to Burge et al. (Reference A in the November 19, 2003, Office Action) were cited. Claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31, and 33-39 remain in the case. The Examiner's rejections are traversed below.

Rejections under 35 U.S.C. § 112, Second Paragraph

On page 2 of the Office Action, claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31 and 33-38 were rejected under the second paragraph of 35 USC § 112 for indefiniteness due to recitation of "at least one of positions and gaze orientation" on "line 15" without "at least one of" on "Line 24." The independent claims 1, 9, 18, 26, and 35 have been amended to add "at least one of" prior to the second occurrence of "positions and ... gaze orientation ..." Therefore, withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

On pages 3-10 of the Office Action, claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31 and 33-38 were rejected under 35 USC § 103(a) as unpatentable over Kenney in view of Burge et al. In rejecting the claims, it was asserted that Kenney discloses an "avatar being controlled by said user to act in said first virtual reality scene and to gaze at objects therein" (Office Action, page 4, lines 13-14), citing column 7, line 7, but quoting words found at column 7, lines 7-18. As discussed in the Amendment filed April 26, 2005, there is no mention of an "avatar" in this portion of or anywhere else in Kenney or Burge et al.

In response to the arguments in the April 26, 2005 Amendment regarding the significant differences between how displays are generated from a "first-person point of view" and a "third-person point of view," the Response to Arguments on pages 11-12 of the Office Action asserted that it was possible to "interpret the shopping cart ... as part of the user's avatar" (Office Action, page 12, lines 2-3) and noted that the claims did not explicitly require that the avatar be displayed from a third-person point of view.

First, it is noted that the conventional usage of avatar in the computer display art has been defined as follows.

In virtual-reality environments ... a graphical representation of a user[,] ... typically ... a generic picture or animation of a human of either gender, a photograph or caricature of the user, a picture or animation of an animal, or an object chosen by the user to depict his or her virtual-reality "identity"

(Microsoft Press Computer Dictionary, 3rd. Ed., 1997). Even the last example in this definition is not met by the shopping cart of Kenney, as the shopping cart is neither chosen by the user nor intended to represent the user or the user's identity, but rather represents that items are being purchased. Therefore, it is submitted that interpreting the shopping cart as "part of the user's avatar" is inconsistent with the conventional use of the term "avatar" as well as inconsistent with the use of this term in the specification of the application and without support in any of the prior art that has been cited.

Second, it is submitted that the term "avatar" and limitations such as "behavior of said avatar" (claim 1, line 17) and "action of said avatar" (claim 1, line 20) require display of the scene from a third-person point of view. Thus, the amendments made to the independent claims to recite "a first three-dimensional virtual reality scene to be displayed from a third-person point of view" (e.g., claim 1, lines 7-8) merely make explicitly what was implicit and do not affect the patentability of the claims. However, this change should prevent the misinterpretation of the claims used in the rejection.

For the above reasons and the reasons set forth in the April 26, 2005 Amendment, it is submitted that claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31 and 33-38 patentably distinguish over Kenney in view of Burge et al.

Rejection under 35 U.S.C. § 102(e)

On pages 10-11 of the Office Action, claim 39 was rejected under 35 USC § 102(e) as anticipated by Kenney. In making this rejection, it was asserted that the "past actions of an avatar in the scene with respect to virtual objects" (Office Action, page 10, line 17) was disclosed at column 4, line 25 of Kenney. As discussed above, Kenney does not include any teachings related to an avatar in a scene, where it is "the user controlling the avatar" (claim 39, line 9) in "a three-dimensional virtual reality scene from a third-person point of view" (claim 39, lines 1-2). Therefore, it is submitted that claim 39 patentably distinguishes over Kenney taken alone or in combination with Burge et al. for reasons similar to those discussed above with respect to claim 1.

Summary

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1, 2, 4-6, 8-10, 12-14, 16-19, 21-23, 25-27, 29-31 and 33-39 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/28/05

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501